

STANDARD APPLICATION
Harford County
Board of Appeals
Bel Air, Maryland 21014

Case No. 5633
Date Filed 10/29/07
Hearing Date _____
Receipt _____
Fee \$50.00

Shaded Areas for Office Use Only

Type of Application

☐ Administrative Decision/Interpretation
☐ Special Exception
☐ Use Variance
☐ Change/Extension of Non-Conforming Use
☒ Minor Area Variance
☐ Area Variance
☐ Variance from Requirements of the Code
☐ Zoning Map/Drafting Correction

Nature of Request and Section(s) of Code

CASE 5633 MAP 40 TYPE Variance ELECTION DISTRICT 03

LOCATION 2307 Nagle Court, Forest Hill 21050

BY Anson and Barbara Mears

Appealed because a variance pursuant to Sec. 267-36B Table VI of the Harford County

Code to permit a garage to maintain a side yard setback of 6' (8' Required) in the

R3/COS District requires approval by the Board.

NOTE: A pre-conference is required for property within the NRD/Critical Area or requests for an Integrated Community Shopping Center, a Planned Residential Development, mobile home park and Special Exceptions.

Owner (please print or type)

Name ANSON LEE MEARS SR. Phone Number 410-803-0008
Address 2307 NAGLE CT. FOREST HILL MD. 21050
Street Number Street City State Zip Code

Co-Applicant BARBARA ANN MEARS Phone Number _____
Address 2307 NAGLE CT FOREST HILL MD 21050
Street Number Street City State Zip Code

Contract Purchaser _____ Phone Number _____
Address _____
Street Number Street City State Zip Code

Attorney/Representative _____ Phone Number _____
Address _____
Street Number Street City State Zip Code

Land DescriptionAddress and Location of Property 2307 NAGLE CT. FOREST HILL MD. 21050Subdivision TUCKAHOE FARMS Lot Number 123Acreage/Lot Size 0.24 Election District 3 Zoning R3COSTax Map No. 40 Grid No. 1F Parcel 422 Water/Sewer: Private _____ Public YESList ALL structures on property and current use: 1-HOUSE OUR RESIDENTIAL HOMEEstimated time required to present case: 15-30 MINUTES

If this Appeal is in reference to a Building Permit, state number _____

Would approval of this petition violate the covenants and restrictions for your property? _____

Is this property located within the County's Chesapeake Bay Critical Area? Yes _____ No ✓If so, what is the Critical Area Land Use designations: N/A

Is this request the result of a zoning enforcement investigation? Yes _____ No _____

Is this request within one (1) mile of any incorporated town limits? Yes _____ No ✓**Request**A request For A Special Exception Variance
For A 4 Foot Wide Garage Extention to Be Built up
to 6 FEET OF property Line instead of 8 Feet. This
WOULD Be a minor Area Variance.**Justification**SEE ENCLOSED LETTER.

If additional space is needed, attach sheet to application. In answering the above questions, please refer to the Requirements that pertain to the type of approval request. (Special Exception, Variance, Critical Area or Natural Resource District (NRD) Variance, etc.)

October 2, 2007

Dear Sirs:

We have lived in our home for five years and as of yet, have not been able to park a vehicle in the second garage bay. This is due to the over-abundance of items stored in this area. Items such as lawn mowers, outdoor tools, shovels, rakes, hoes, picks, toolboxes, lawn furniture, and the list goes on. It seems there is never enough storage room within the confines of a house for outdoor items. As a result of this, one of our vehicles is always parked in the street at the end of our driveway, making it very easy to obstruct the view of children at play. So one can easily see the need for an area to store outdoor items.

According to the By-Laws of Tuchahoe Farms, any shed or garage extension must be attached to the house and may not be placed anywhere on the property unless it is part of the house and made of the same building material. A photo copy of this section of the By-Laws is attached. If you look at the building plans of our home, you can see there is only one place for this extension to be placed; that being on the left side of the house. On the right side of the house are the utility connections, such as gas meter, electric meter, phone connections, dryer vent, etc. Next to the utility connections is the basement stairwell, making it impossible for a shed or extension to be placed on the right side of the house. Along the back of the house there is a deck. This deck is in the middle of the length of the house and has patio sliding doors leading to it. On the back wall of the house, at both ends of the deck and outside the deck are two double-hung windows. In this same wall, in the basement area, there is a window at each end of the deck. Due to having the six windows and deck across the back, it would be impossible to place any type of shed or extension to this area.

This leaves the last wall of the house, which is to the left side of the house, along the garage wall. The left side wall would be an ideal location to place the garage extension. The extension would start four foot back from the front corner of the house, as to not be seen easily from the front of the house. This wall is a twenty foot long area, void of any utility hook-ups with the exception of an air conditioning unit towards the back end. Again, making this an ideal location for the extension and the perfect solution to the problem.

If you compare our lot to most of the other lots in the subdivision, you will notice that our lot is long and very narrow, leaving very little space on either side of our home. However, most other lots are cut on an angle, giving the owner twice as much space on each side of their home to place an extension to their garage. Because of this fact, it would solve the neighbors' problem but create a hardship to us.

Reasons for Granting Minor Variance:

As a result of receiving this minor variance, we would:

1. Have a place to store outdoor items.
2. Be able to store our second vehicle in garage bay.
3. Remove a vehicle from the street.
4. Have a better view of any child playing in the street and sidewalk area.
5. Conform to the By-Laws requirement that extension or shed must be attached to house.
6. Be granted the only possible wall to attach extension is garage wall.

By granting this minor variance, it would solve our dilemma. We appreciate your attention in this matter and look forward to answering any further questions you may have.

Please find enclosed a copy of a letter our neighbors signed and sent to Tuchahoe Farms Association.

Sincerely,

Anson L Mears

Enc.

July 9, 2007

Dear Missy,

As president of our homeowner's association, we wanted to contact you in regards to a situation that was handled by the association recently. Our neighbors, Anson and Barbara Mears, were in the process of putting up a shed attached to their home. We understand that proper protocol may not have been followed for their construction, but we wanted to send a letter in support of their construction to the association. All of the neighbors on the court were aware of the construction and approved of it as planned by the Mears. We know we are not the authority on such approval, however, as neighbors on this court, we felt it was important to show our support of the Mears' project.

The Nagle Court neighbors all take great pride in the maintenance and upkeep of the exteriors of our homes and yards. We all agree the Mears' addition was being done in good taste and would have been a fine addition to the court. We often think that the association would be better serving the community if there were stricter guidelines on things such yard maintenance and parking in driveways not on the street to block view of children playing. These are daily nuisances that need to be addressed and are things you will not find on our court. The Mears' put great time and thought into their project and we believe that there should be exceptions to written rules established several years ago if a majority approves.

We understand your job is not an easy one, as you have to deal with many complaints and issues that arise. Please know we are not complaining, just supporting a project that we felt was a good one! We are the ones now that have to view an unfinished wood structure, wondering if it will get done soon. I know there have been rule violators in the past, but the Mears' were simply following along with what has typically by many residents of Tuchahoe Farms. Not everyone has gotten approval before a project, this unfortunately did not work out for the Mears. Please share this letter with the group that is holding up their project. We are all behind them and hope that they will reconsider their actions and consider our thoughts.

Thank you for your time and consideration of this matter.

The Neighbors of Nagle Court

Rob & Debbie Jampert 2300 Nagle Court

Ross & Karen Campbell 2301 Nagle Court

Jay & Beth Parry 2309 Nagle Ct.

Mark J. Woden 2308 Nagle Ct.

Stacy & Ed McQue 2302 Nagle Ct.

Frank & Tina Fawthaber 2304 Nagle Ct.

Kathy & Matt Ewers 2306 Nagle Ct.

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Section 5. Garbage. No Lot shall be used or maintained as a dumping ground for rubbish, trash, garbage or other waste and every Lot shall be maintained in a clean and sanitary condition. All containers or equipment for the storage or disposal of rubbish, trash, garbage and other waste shall be constructed of hard rubber, plastic or metal, kept in a clean and sanitary condition, and, except on days of garbage collection, stored out of sight. Notwithstanding any provision of this Declaration, Declarant reserves the right to store materials, construction debris and trash during the construction period on the Property without keeping the same in containers.

Section 6. Motor Vehicle Repairs. No major repairs to any motor vehicle shall be performed on any Lot or on any part of the Common Area. Minor repairs may be performed provided such repairs are entirely performed within the garage located on said Lot.

Section 7. Storage of Certain Motor Vehicles, Recreational Vehicles, Boats and Boat Trailers. No inoperable, abandoned or unregistered motor vehicle, camper, recreational vehicle, boat or boat trailer shall be stored on the Common Area. Inoperable or abandoned motor vehicles, campers, recreational vehicles, boats or boat trailers may be stored on a Lot provided they are stored on the Lot such that they cannot be seen from any other Lot or the Common Area.

Section 8. Utility Buildings and Sheds. No utility building or shed shall be located or constructed on any Lot unless it is incorporated into and made a part of the

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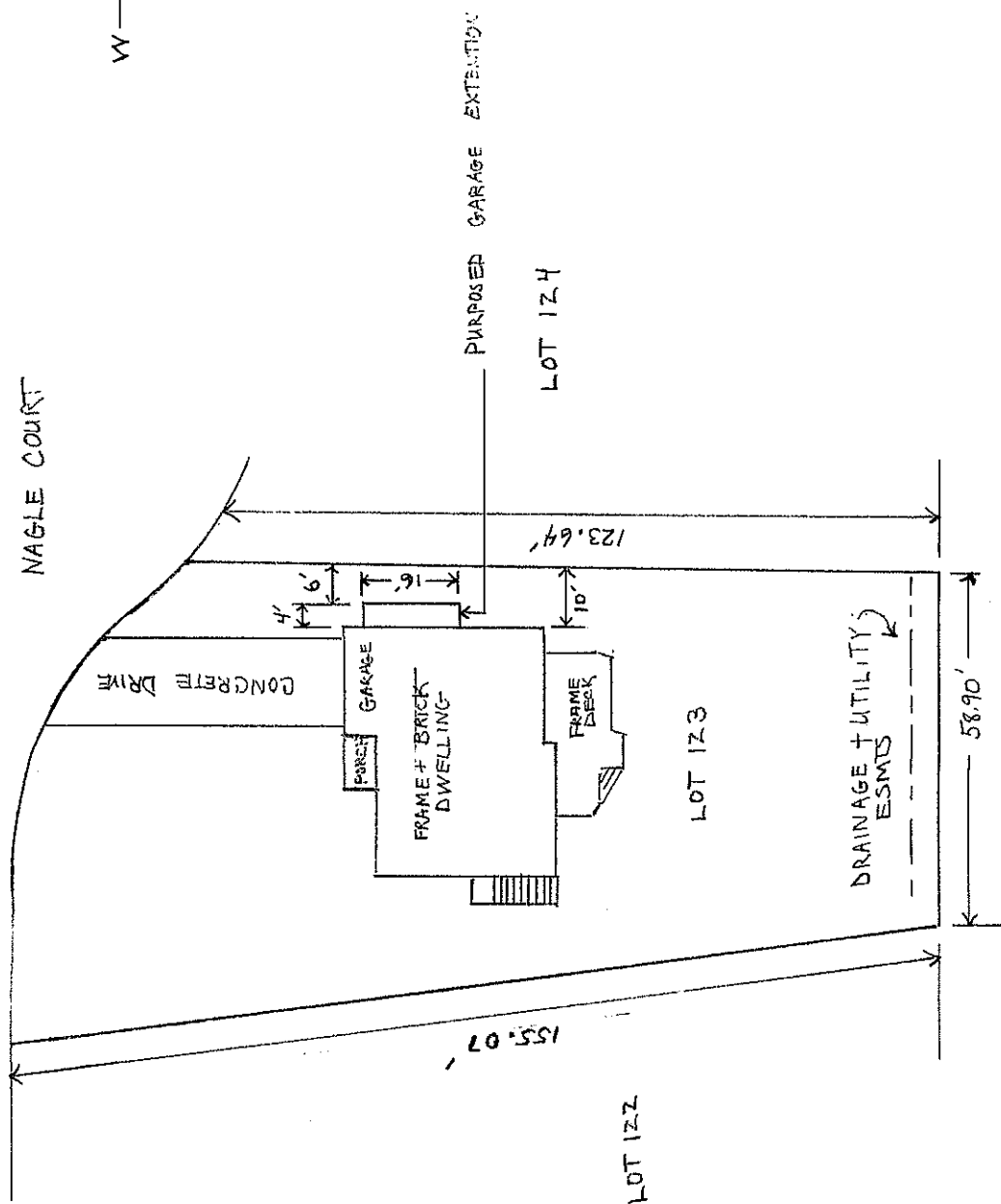
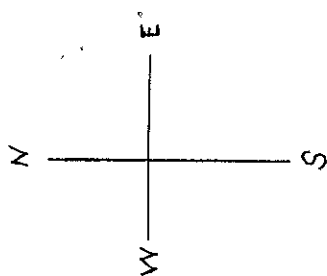
dwelling . All such structures must be approved pursuant to Article V prior to location or construction on any Lot.

Section 9. Yards. No lawn ornaments or improvements of any kind shall be erected, constructed, placed or planted on any Lot without prior approval pursuant to Article V. Such approval shall only be given pursuant to an overall plan of improvements for the subdivision. The foregoing limitation shall not be construed to limit or regulate the planting of trees, shrubs and flowers within four (4) feet of the wall of the dwelling located on the Lot.

Section 10. Fences. No chain link fences shall be permitted. No other type or kind of fences shall be erected on any Lot without prior approval pursuant to Article V.

Section 11. Swimming Pools. Upon prior approval being obtained as provided in Article V, a swimming pool is permitted on each Lot provided that the top of the pool does not project above the finished grade of the lawn area surrounding it.

Section 12. Additional Rules and Regulations. The Board of Directors, pursuant to Article IX of this Declaration, may adopt additional rules and regulations pertaining to the use of Lots. Such rules and regulations may relate to the use or storage of motor homes, trailers, campers, boats and commercial vehicles; the erection and maintenance of clothes lines, fences, awnings, fireplaces, grills, decks, patios, lawn ornaments, swimming pools, play equipment, exterior lighting and storm windows; or such other uses or structures which the Board of Directors deems appropriate.



NAGLE COURT

PURPOSED GARAGE EXTENSION

LOT 124

LOT 123

LOT 122

155.07'

123.64'

58.90'

DRAINAGE + UTILITY
ESMS

PORCH

GARAGE

FRAME # BRICK
DWELLING

FRAME
DECK

CONCRETE DRIVE

ANSON MEARS
2307 NAGLE CT
FOREST HILL MD 21050

PLOT PLAN LOT # 123
PURPOSED GARAGE EXTENSION

SCALE 1" = 20'
DATE 9/13/07

DAVID R. CRAIG
HARFORD COUNTY EXECUTIVE

LORRAINE COSTELLO
DIRECTOR OF ADMINISTRATION



C. PETE GUTWALD
DIRECTOR OF PLANNING & ZONING

HARFORD COUNTY GOVERNMENT

Department of Planning and Zoning

December 10, 2007

STAFF REPORT

BOARD OF APPEALS CASE NO. 5633

APPLICANT/OWNER: Anson Lee Mears Sr.
2307 Nagle Court, Forest Hill, Maryland 21050

Co-APPLICANT: Barbara Ann Mears
2307 Nagle Court, Forest Hill, Maryland 21050

REPRESENTATIVE: Applicants

LOCATION: 2307 Nagle Court-Tuchahoe Farms
Tax Map: 40 / Grid: 1F / Parcel: 422 / Lot: 123
Election District: Third (3)

ACREAGE: 0.24±

ZONING: R3/Urban Residential District/Conventional with Open Space
(R3/URD/COS).

DATE FILED: October 29, 2007

HEARING DATE: January 16, 2008

APPLICANT'S REQUEST and JUSTIFICATION:

Request:

"A request for a Special Exception Variance for a 4 foot wide Garage Extension to be built up to 6 feet of the property line instead of 8 feet. This would be a minor area variance."

Justification:

Preserving Harford's past; promoting Harford's future

MY DIRECT PHONE NUMBER IS (410) 638-3103

220 SOUTH MAIN STREET BEL AIR, MARYLAND 21014 410.638.3000 • 410.879.2000 • TTY 410.638.3086 • www.harfordcountymd.gov

THIS DOCUMENT IS AVAILABLE IN ALTERNATIVE FORMAT UPON REQUEST.

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Anson & Barbara Mears

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See Attachment 1.

See Attachment 2 – A copy of the By-Laws.

CODE REQUIREMENTS:

The Applicants are requesting a variance pursuant to Section 267-36B Table VI of the Harford County Code to permit a garage to maintain a side yard setback of 6 feet (8 feet required in the R3/Urban Residential District/Conventional with Open Space Development (R3/COS).

Enclosed with the report is a copy of Section 267-36B Table VI of the Harford County Code (Attachment 3).

LAND USE and ZONING ANALYSIS:

Land Use – Master Plan:

The Applicant's property is part of the Tuckahoe Farms subdivision. The property is located south of East Jarrettsville Road on the east side of Nagle Court near the end of the cul de sac. A location map, a copy of the Applicant's site plan, a copy of the building plans, and a copy of the record plat are enclosed with the report (Attachments 4, 5, 6 and 7).

The subject property is located within the Development Envelope. The predominant land use designations are High Intensity, Industrial/Employment and Rural Residential. The Natural Features Map shows Sensitive Species Project Review Areas and Stream Systems. The Subject property is located in the High Intensity designation which is defined by the 2004 Master Plan as:

***High Intensity** - Areas within the Development Envelope where residential development occurs at a density greater than 7.0 dwelling units per acre. Major retail commercial centers and highway-related businesses, such as automobile dealerships and home improvement centers, are examples of some of the most intensive uses associated with this designation.*

Enclosed with the report are copies of the Forest Hill Community Area Map, the 2004 Land Use Map and the Natural Features Map (Attachments 8, 9 and 10).

Land Use – Existing:

The existing land uses generally conform to the overall intent of the Master Plan. The area contains residential developments including single family dwellings and townhouses. Other land uses include schools, churches, parks, active farmland and large areas of dense woodland. Just to the west of Tuckahoe Farms is the Forest Hill Industrial Airpark. The topography in this area

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Anson & Barbara Mears

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ranges from rolling to steep especially near the stream valleys. Enclosed with the report are an aerial photograph and a copy of the topography map (Attachments 11 and 12).

The Applicant's lot is part of the Tuchahoe Farms single family residential development. The lot is located on the east side of Nagel Court near the end of the cul de sac. The front of the lot is also slightly wider than the rear of the lot. Improvements consist of a two story brick and frame dwelling with an attached two car garage. Other improvements include a concrete driveway, a deck attached to the rear of the dwelling and a picket fence around the rear yard. The Applicant's have started the small addition to the side of the garage. The property is nicely landscaped and all improvements appear to be well maintained. The topography of the lot slopes gently upward to the front of the dwelling and then slopes gently down from the rear of the house to the rear lot line. Enclosed with the report are site photographs, a topography map of the subject lot and aerial photographs (Attachments 13, 14 and 15).

Zoning:

The zoning classifications in the area are consistent with the 2004 Master Plan as well as the existing land uses. Residential zoning classifications range from RR/Rural Residential to R3/Urban Residential Districts. Commercial zoning includes B2/Community Business, B3/General Business and CI/Commercial Industrial Districts. There is GI/General Industrial located to the west of the site. The subject property is zoned R3/Urban Residential District as shown on the enclosed copy of the Zoning map (Attachment 16).

SUMMARY:

The Applicants are requesting a variance pursuant to Section 267-36B Table VI of the Harford County Code to permit a garage to maintain a side yard setback of 6 feet (8 feet required in the R3/Urban Residential District/Conventional with Open Space (R3/URD/COS)).

Variances of this nature may be approved by the Board of Appeals pursuant to Section 267-11 of the Harford County Code, provided it finds by reason of the uniqueness of the property or topographical conditions that literal enforcement of the Code would result in practical difficulty and undue hardship. Further, the applicant must show that the request will not be substantially detrimental to adjacent properties or will not materially impair the purpose of the Code or the public interest.

The Applicants have requested a variance to construct a small shed enclosure onto the garage side of their dwelling. The addition will be approximately 4 foot wide by 16 foot long. The Applicant submitted a letter from the President of the Homeowner's Association and signatures of seven of their neighbors on Nagel Court stating they have no objection to the proposed variance (Attachment 17). The requested variance will not adversely impact the neighborhood or the intent of the code.

RECOMMENDATION and or SUGGESTED CONDITIONS:

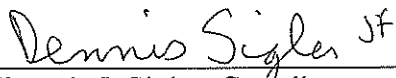
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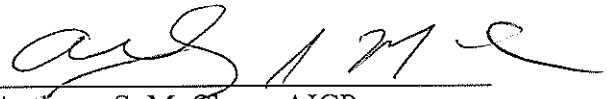
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The Department of Planning and Zoning recommends that the request be approved subject to the applicants obtaining all necessary permits for the addition.

Handwritten signature of Dennis J. Sigler in cursive, with the initials "jf" written to the right of the signature.

Dennis J. Sigler, Coordinator
Zoning & Board of Appeals Review

DJS/ASM/jf

Handwritten signature of Anthony S. McClune in cursive, with the initials "ASM" written to the right of the signature.

Anthony S. McClune, AICP
Deputy Director, Planning and Zoning